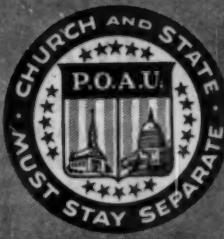


# CHURCH AND STATE

A MONTHLY REVIEW



VOL. 7, NO. 1

JANUARY 1954

## 'Religious Liberty, Precious Heritage' Theme of Sixth National Conference

Preparations for POAU's Sixth National Conference on Church and State—January 20-21 in Washington, D. C.—are being completed as this issue of *Church and State* goes to press. Basic theme of the Sixth National Conference will be "Religious Liberty, Precious Heritage."

The principal addresses at Constitution Hall Thursday night, January 21, will be delivered by POAU Executive Director Glenn L. Archer and Emmett McLoughlin, the "people's padre" who directs Memorial (formerly St. Monica's) Hospital at Phoenix, Ariz.

Speakers at the Thursday morning and afternoon sessions in the Mt. Vernon Place Methodist Church will include: Dr. Edward B. Willingham, minister of the National Memorial Baptist Church and general chairman of the daytime sessions; Dr. Albert P. Shirkey, host pastor; Dr. Clyde W. Taylor, secretary of affairs for the National Association of Evangelicals, speaking on "Behind the Purple Curtain"; POAU Organization Director John C. Mayne, leading a "Chapter Officers and Members School" with discussion by Dr. George L. Tappan of Binghamton, N. Y., Los Angeles Chapter Treasurer Robert R. McElhose, Roanoke Methodist District Superintendent H. S. Southgate, and Pittsburgh Chapter President Andrew J. Robbins; Dr. Frederick E. Reissig of the Washington Federation of Churches, presiding at luncheon session; Attorney Ralph R. Neuhoff, Sr., speaking at the luncheon on "A Culture Within a Culture"; Wichita Attorney Robert Allan, Kentucky Judge Eugene Siler, and Denver Attorney David Rosner, all speaking at a session on "Cases and Causes" presided over by Glenn L. Archer; and Dr. Henry E. Hedrick, introducing the motion picture, "Persecution, U. S. A." The invocation will be delivered by Dr. C. Leslie Glenn, minister, St. John's Episcopal Church.

Executive sessions of POAU's Board of Trustees and National Advisory Council, to be held on Wednesday, January 20, will be followed by a banquet Wednesday eve-

### Conference Speaker



Dr. Clyde W. Taylor

ning at which the Honorable Tom Steed of Oklahoma will speak on the subject, "As It Looks to a Congressman." Dr. Edwin McNeill Poteat will be the toastmaster.

Places of historic significance in the history of religious liberty will be visited in a guided tour of Washington beginning at 4 P.M. on Thursday. "Religious Freedom, U. S. A." will be the dominant note, contrasting with the subject matter of the motion picture, "Persecution, U. S. A." which will be shown earlier in the day. (The motion picture depicts the

oppression of American Indians of Protestant faith.)

The Thursday-night mass meeting in Constitution Hall will be presided over by Dr. Joseph M. Dawson, beloved Baptist national leader. Executive Director Archer's keynote address will deal with the menace to liberty presented by groups which run "Out of Bounds" in church-state relations. Hospital Superintendent Emmett McLoughlin will tell of his life's journey "From Priest to Citizen."

A distinguished musical program will be presented under the direction of Fague Springmann, Department of Music, University of Maryland.

### Subsidies Called Menace To Religious Freedom

"There is no question about our Baptist hospitals and schools needing all the help they can get. Nor is there any question about the need of Baptist publications. But it will cost us all a lot more than we could hope to get out of it to weaken our protest against even the slightest violation of a principle that fortifies all that is fundamental in religious freedom."

"We repeat what we have said on numerous occasions. If Baptists want hospitals, papers, and schools to propagate and teach what we believe and stand for as a people, then let Baptists foot the bills, all the bills, for their maintenance. That goes for all Protestants, Jews, and Roman Catholics."—From an editorial in the "Baptist Standard," September 24, 1953.

## POAU SUIT PREPARED AGAINST INDIANA SCHOOL VIOLATIONS

The Southern Indiana Free Public Schools Committee, a POAU affiliate, has retained Attorney Allan Nierman of Brownstown to prepare a suit against the employment of garbed Roman Catholic nuns as teachers in the "public" schools of Dubois County. POAU Executive Director Glenn L. Archer, speaking to a capacity audience in St. Paul's Lutheran Church at Evansville on December 6, observed that Dubois was not the only county where such practices prevail, but had been selected for a test case after careful investigation had shown that complaints of illegal acts were "fully justified."

Filing of the suit is being delayed until spring to give authorities an opportunity to correct the violations. Nierman, the attorney, indicated that he had accepted the case after his own examination of the facts demonstrated that the court action is aimed at securing impartial application of the law in the interest of religious liberty for everyone. It is not "merely for the joy of suing someone" that POAU is initiating legal action in Indiana, Kentucky, and other states, nor is the question a matter of Protestants *versus* Catholics, Executive Director Archer told the large church meeting. Some violations, he said, inure to the benefit of Protestant churches, and POAU is opposed to such violations as much as it is opposed to Roman Catholic transgressions. The reason for the chronic involvement of Roman Catholic institutions is to be found in the basic philosophy of church-state union which dominates the Church's policies, Archer continued.

"The Roman Catholics say that theirs is the one true church, and that religion is important to the life of the state—therefore, they should receive the support of the state," he pointed out.

"... We are not opposed to parochial schools. We believe they are wonderful institutions. But only if they are supported by their congregations.

"If a man believes in his church, he'll support it out of his own pocket, and if not, the church is not worth its salt. History has shown that a state-supported church soon loses the people's interest.

"Frankly, I wouldn't trust my own church [Methodist] if it had its nose in the public treasury."

### How About Others?

Asked whether the employment of a Protestant minister as a part-time public school teacher was illegal, Archer said that it would be if the

minister was injecting sectarian doctrine into his instruction. Roman Catholic nuns and brothers, he said, are particularly objectionable as public school teachers because of the peculiar nature of their vows to the Church, under which they are required to subordinate all other functions to that of propagating their religion. There is a further question, he added, as to whether the clerical garb of such teachers does not exert a sectarian influence even in the absence of specific teachings.

Emil Menke, prominent Dubois County farmer and prospective plaintiff in the suit, also spoke at the meeting, recounting his experiences as a onetime member of his township's advisory board who was particularly interested in keeping the "public" schools public. He emphasized the fact that in many areas teaching nuns on the public payroll do not pay any income tax on their salaries, and turn the entire amount over to their religious order. In his own community, Menke noted, he had run for township trustee, advocating that the nuns be required to pay income taxes. Although he had been defeated, he said that in his township today the nuns pay federal and state taxes.

The pending suit had its origin two years ago when the Rev. Gene Crawford, then pastor of the Dale Evangelical United Brethren Church, contacted POAU to bring the violations in his state to the organization's attention. He became the first president of the Southern Indiana Free Public Schools Committee which was subsequently formed. Today, he is pastor of the First Evangelical United Brethren Church in Evansville, and has been succeeded in the Free Public Schools Committee post by the Rev. O. Horstmann, pastor of a Missouri Synod Lutheran church near Vincennes.

Executive Director Archer filled his Evansville speaking engagement after participating in the December 3-4 POAU area conference in St. Louis, Mo., a gathering at which southern Indiana leaders had also been present. He appeared in South Bend before the ministerial association on December 7.

## Kentucky POAU to Help Solve School Problem

If responsible organizations will pool their talents and resources to meet the problem, Kentucky's public school system can be restored to genuine and complete public control with a minimum of difficulty, the Free Public Schools Committee declared recently. Meeting at the Southern Baptist Theological Seminary in Louisville, the POAU group stated:

"The Kentucky Free Public Schools Committee recognizes the fact that many problems will arise for County school systems as a result of the successful prosecution of the suit against garbed nuns teaching in public schools [*Church and State*, November, 1953] and the correction of Protestant violations of separation of church and state . . . and offers its co-operation and counsel to the Kentucky Council for Education in facing these problems."

The Rev. John D. Boykins, vice-president, explained that the appeal for joint effort was directed particularly to the Kentucky Council for Education, an affiliate of the National Citizens Commission for Public Schools, because that is "the only group we know that digs into these things."

It was also pointed out at the meeting that the General Association of Baptists in Kentucky had unanimously resolved at its Owensboro convention to clear up any violations of the principle of church-state separation by Baptist groups in the state.

Meanwhile, attorneys for the six school boards named as defendants in the POAU suit have failed in an effort to quash the suit.

### Church and State

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## NEWS From Far and Near

♦ Resolutions calling upon Congress to plug the loophole in the proposed Hill "oil for education" amendment and to earmark all federal funds for public schools only have been adopted by the Madison-Mayodan (N. C.) Ministerial Association, the Rev. D. S. Schronel, presiding; the Dan Valley Missionary Baptist Association (N. C.), the Rev. George L. Colgin, moderator; the United Baptist Church of Milo, Me., the Rev. Lee A. Perry, presiding; and the Presbytery of Morris and Orange, N. J., the Rev. Henry A. Pearce, stated clerk. These are the latest of many such actions taken by alert groups which have heeded POAU's warning against the Hill amendment loophole in *Church and State*, September, 1953.

♦ Evangelical ministers who are nominated or elected to the German state or federal parliament must take a leave of absence from their church posts for the duration of their political involvement, according to a new regulation adopted by the Synod of the Evangelical Church in the Rhineland at a meeting in Duesseldorf. Every clergyman, said the Synod, "out of regard for his church office must exercise restraint and reserve when active in politics."

♦ French "worker-priests" may continue their missionary efforts among working people, but only under the close supervision of their bishops. This is the substance of a new understanding between the Vatican and leaders of the French hierarchy, reached after consultations between Maurice Cardinal Feltin, Archbishop of Paris, and two of his colleagues, with Pope Pius XII and other officials in Rome. Previously, the Pope had been so displeased by the evident weakness of certain "worker-priests" who had succumbed to a "paganized atmosphere impregnated with Marxism," that he had threatened to dissolve the entire project under which some 80 young priests had entered field and factory in ordinary workers' garb.

♦ The "facts," but no "preaching," about religion have a place in public school curricula, Dr. Clarence Linton of Teachers College, Columbia University, declared in a recent talk to the New York Society for the Experimental Study of Education. Drawing a distinction between doctrinal "beliefs" and "knowledge about religion," he said that while the public school cannot set out "to make pupils religious," it can "complement what the church is doing."

♦ Bus service provided by the U. S. Army for children of military personnel attending parochial schools near Fort Myer, Va., was nearly stopped because of a general economy trend and the influence of the recent New Jersey Supreme Court decision in the Gideon Bible case, Drew Pearson asserted in his daily column of December 12. According to Pearson, an order from the Pentagon ordering cessation of the service was "countermanded" by the White House within a matter of hours. Assistant Defense Secretary John Hannah announced later that bus service will be continued whenever funds permit.

♦ By official royal decree, the Greek government has been directed to seize land belonging to the Evangelical community at Katerini, in the northern part of the country, because of a charge that the community is conducting elementary classes in its orphanage without a license. Several weeks ago, Dr. Clyde W. Taylor filed a protest against the impending seizure with the U. S. State Department in Washington ("Church and State," November, 1953).

♦ Raymond Moley, well-known newspaper columnist, has hailed the recent New Jersey Supreme Court decision in the Gideon Bible case (see page 6) as a "wholesome reaffirmation of a great principle" which "might well be a warning to all religious bodies that their integrity must depend upon their ability to stand alone." He said that even "slight impairments" of the principle must be resisted.

♦ "The Concordats [between the Vatican and Spain, Germany, Italy, etc.] are for her [the Roman Catholic Church] an expression of the collaboration between the Church and the State. In principle, that is, in theory, she cannot approve complete separation of the two Powers." These were the words of Pope Pius XII on December 6 in a discourse to the National Convention of Italian Catholic Jurists.

### 'Contradictory' Laws

### Overruled in Italy

Police restrictions on non-Catholic religious activities were "automatically abrogated" by the religious freedom guarantees of the 1948 Constitution, Italy's Supreme Court has ruled. Previously, a provincial Appeals Court near Naples had ordered the release of five Pentecostal ministers jailed for holding "unauthorized" worship services in private homes, and this Supreme Court decision upholds the lower court ruling against the State Prosecutor's appeal.

Giacomo Rosapepe, attorney for the jailed clergymen, successfully argued that Articles XVII and XIX of the Constitution "supersede and annul the earlier, contradictory, police laws"—particularly, Article XVIII of the 1931 Fascist laws (requiring non-Catholic sects to obtain police permission to hold worship services), upon which the prosecution had relied.

Such decisions, while encouraging, are not in themselves sufficient to establish genuine religious liberty in Italy. Only two weeks after the decision, a "new violation of the freedom of religion and education" was charged in a protest issued by the Italian Association for Cultural Freedom and signed by the famous author, Ignazio Silone, president of the organization. In it, Silone denounced Messina (Sicily) University for dropping an announced course on the history of Christianity a week after a Waldensian scholar had been appointed to teach the course. The Waldensians are the world's oldest Protestant body, and in "Roman Catholic" Italy they are customarily excluded from important positions.

Another protest came from the Association of Evangelical Christian Teachers, which charged that the university's action violates the Constitution and "annuls the right, included in the 1848 declaration of emancipation to the Waldensians, of members of that denomination to be granted academic status in Italian universities."

### Index Ready

An index to the contents of *Church and State*, Volume 6 (1953), has been printed. Write to POAU for your copy now—the supply is limited, and POAU members will get preference.

## Of Sheep, Goats, and Bigots

Among the museum pieces which have come down to present-day Americans from their colonial ancestors are the pillories, whipping posts, ducking stools, and other implements of torture formerly used on heretics and criminals. That these barbarous punishments were often inflicted by persons who had themselves fled to America from Europe in search of liberty, is a paradoxical truth.

A bigot, then, is a lover of liberty—for himself alone. He is one who is so convinced of his own infallibility, or the infallibility of his church or party, that he believes himself called upon to separate the sheep from the goats among his neighbors, and to "put the fear of God [meaning himself]" into the latter.

It is an error to assume that every person who at any time fights for his own liberty is by that token a true believer in the principle of liberty. The acid test is: Will the person fighting for his own liberty also fight for the liberty of others—even those with whom he disagrees? Take, for example, Dr. Edwin McNeill Poteat, pastor of the Pullen Memorial Baptist Church of Raleigh, N. C., and president of POAU. Has he fought only for the right of Baptists to be free of any obligation to pay taxes for the propagation of other religions? He has not. Dr. Poteat has also fought to uphold the protest of a Roman Catholic priest at Ahoskie, N. C., against the practice of holding public high school baccalaureate exercises in Protestant churches (*Church and State*, July, 1953). Again, Dr. Poteat has opposed a campaign in Reidsville, N. C., to raise \$3,000 in private funds "to retain the teaching of the [Protestant] Bible in the Reidsville public schools" (*Church and State*, November, 1953). By his every action the POAU president has shown that he is a true lover of liberty, not a bigot who believes in freedom for himself alone.

This is the record, not merely of Dr. Poteat, but of the organization as a whole. POAU's constructive spirit was given notable expression in the summer of 1951, when Executive Director Archer defended the right of a Boone, Ia., public school shop instructor to be free of coercion in regard to the education of his own children. (The shop instructor was sending his children to a parochial school in spite of a so-called "gentlemen's agreement" that public school teachers were expected to send their own children to public schools.) Said Archer at the time: "Americans who believe in freedom have every right



Victim of Clericalism

to criticize the Roman Catholic hierarchy for its opposition to public school education, and to oppose Roman Catholic public officials who misuse their office on behalf of the hierarchy. But Americans who believe in freedom must also oppose Protestants in public office who use their positions to coerce individuals in regard to their private lives. . . . Non-Catholics who deny to a parent his natural right to send his child to a school of his choice are on no firmer ground than Roman Catholics who denounce the public schools as 'godless' and 'monopolistic.' "

Unlike POAU's leaders, however, Roman Catholic Church leaders seek liberty for themselves alone—the bigot's quest. ". . . so far as God's law is

concerned," writes Father Francis J. Connell of Catholic University in his *Freedom of Worship* (1944), "no one has a real right to accept any religion save the Catholic religion, or to be a member of any church save the Catholic Church, or to practice any form of divine worship save that commanded or sanctioned by the Catholic Church."

To believe that one's own religion is "true" and that other religions are "false" does not necessarily make one a bigot—but to go further and conclude that the poor benighted followers of "false" religions have no "right" to freedom of worship is, indeed, to succumb to the disease of bigotry. The claim by the Roman Catholic Church to an exclusive "right" to propagate religious "truth"—and, in Catholic countries, to suppress religious "untruth"—is in irreconcilable conflict with American democracy's insistence that all citizens are equal before the law. That is why a current book on *American Liberty and Natural Law* by the prominent attorney, Eugene C. Gerhart, includes a chapter on "Church and State," subtitled "The Papal View vs. the Traditional American View." (This book is the latest in the invaluable Beacon Press series on church-state relations.) The Gerhart book quotes some words of Thomas Jefferson which POAU takes very much to heart—and which we wish could be taken to heart by the leaders of the Roman Catholic hierarchy as well: "It behooves every man who values liberty of conscience for himself to resist invasions of it in the case of others, or their case may, by change of circumstances, become his own."

There is another quotation in the Gerhart book which POAU takes very much to heart. It is Benjamin Franklin's maxim that "talking against religion is unchaining a tyger." POAU has consistently obeyed the mandate of its original Manifesto, to uphold the principle of church-state separation and not to "concern itself with the religious teaching, the forms of worship, or the ecclesiastical organization of the many churches in our country." POAU differs with no church group except where such group seeks to use the power and wealth of government in order to secure a place of privilege in the life of our country. So long as the traditional "wall of separation between church and state" is firmly maintained, no "tyger" of religious warfare will be unchained in the United States of America.—Stanley Lichtenstein.

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# KANSAS EDUCATION LAWS FLOUTED, SURVEY SHOWS; SITUATION COMMON IN OTHER AREAS

Over 70 per cent of all teachers in Kansas private and parochial schools are not registered with county superintendents of schools, as required by law.

Over 44 per cent of Kansas private and parochial schools do not report enrollment and attendance information to county superintendents of schools, as required by law.

Nearly 13 per cent of Kansas private and parochial schools operate an undetermined number of months each school year, although they are required by law to operate at least eight months of the year.

County superintendents "never visit" 45 per cent of Kansas private and parochial schools, although state law requires that all must be visited.

These are only a few of the startling conclusions which emerge from an unpublished 1953 report of the State Department of Public Instruction, a copy of which has been sent to POAU by a Kansas member and is published in *Church and State* exclusively. (The text of the report appears below.)

Included in the report is a copy of "a letter written by Lynn R. Brodrick, Collector of Internal Revenue, at Wichita, under date of November 1, 1951," and addressed to a Kansas county superintendent of schools. The letter follows:

"This letter is being written at the request of Father Arthur A. Barth, superintendent of the Catholic schools for the Diocese of Wichita. The question has arisen as to whether or not tax should be withheld from the wages or salaries of [Roman Catholic] sisters employed by the county.

"The Commissioner of Internal Revenue has held, in a special ruling addressed to this office on March 15, 1943, that because of the vows of poverty taken by sisters who are members of religious orders, they are but agents of their diocese, and since the sisters must turn over to their organizations the salaries they receive as teachers, such salaries are not subject to withholding tax. . . ."

In other words, income-tax authorities designate the teaching nuns as church agents in order to grant them tax exemption, at the same time that local boards regard them as independent contractors—not church agents—in order to be able to employ them as "public" school teachers! This arrangement is a classic example of having one's cake and eating it, too. (See, also, *Church and State Newsletter*, January, 1952.)

## Information Regarding Two Categories of Kansas Schools

(Report of Kansas State Department of Public Instruction, made in early 1953)

### I. Private and parochial schools (elementary schools only)

These schools operate under legal authorization and are free to give religious instruction, although some legal requirements—such as registration of teachers' certificates with the County Superintendent—are not, in many cases, observed.

### II. Public schools in which religious garb or garb peculiar to a given church is worn (elementary schools only)

The borderline between public and private or parochial schools in many of these is not clearly drawn.

#### I. Parochial Schools

1. Total number of private and parochial schools in the state—204.

2. These schools are supported and operated by churches and private interests as follows:

Catholic	144
Lutheran	42
Seventh-day Adventist	10
Church of God	1
Dutch Reform	1
Holiness	1
Episcopal	1
Inter-Denominations	2
Private	2

3. Number of teachers in private and parochial schools—708.

Teachers in these schools whose certificates are registered with the County Superintendent—195.

Teachers in these schools whose certificates are not registered with the County Superintendent—513.

4. Of these private and parochial schools, 113 report to the County Superintendent enrollment and attendance information, while 91 of these schools do not report such information to the County Superintendent.

5. Of these 204 schools, 158 operate nine-month terms, 20 of them operate eight-month terms, and in 26 instances the length of school term is not known.

6. County Superintendents are free to visit in 112 of these schools, but County Superintendents never visit 92 of them.

7. The known number of elementary pupils attending these schools is 18,556, with an estimated additional 3,350 from 22 unreported schools. This is a total of 21,906 elementary pupils attending private and parochial schools in Kansas.

#### II. Public Schools Employing Teachers Who Wear Garb Peculiar to Certain Religious Orders

1. Number of such schools in Kansas—51.

2. Number of counties in which one or more of these schools is located—29.

3. The following information was given with respect to religious instruction in the school:

- Number of such schools in which no religious instruction in the school is given—13.
- Number of such schools in which religious instruction is given in school time—10.
- Number of such schools in which religious instruction is given on released-time basis—24.
- Number of such schools for which information is not obtainable—4.

4. Number of schools in which the district owns the building—19. Number of schools in which the parish owns the building—30.

5. Exclusive of one first-class city in which there are 57 teachers in the system with 18 teachers in garb, there are in these schools 190 teachers.

Exclusive of the first-class city referred to above, of the total of 190 teachers in these schools, the garb is worn by 150 teachers.

6. Display of symbolism peculiar to the Catholic Church is reported in 35 of these school buildings, while it is reported no such symbolism is displayed in 16 buildings in these districts.

7. The total amount of county elementary funds paid to these 51 school districts this past year was \$169,722.01.

8. The total amount of funds from the state elementary finance fund paid to these districts this past year was \$296,938.13.

9. The total amount of money paid out in salaries to teachers in garb working in these 51 schools this past year was \$224,565.

Such are the conditions prevailing today in the typically midwestern, predominantly non-Catholic state of Kansas. There is ample evidence to show that the public education laws of other states are being similarly ignored. And what of your state, dear reader?

## New Jersey Supreme Court Bars Gideon Bible in Public Schools

In a unanimous decision handed down last month by Chief Justice Arthur T. Vanderbilt, the Supreme Court of New Jersey held unconstitutional the proposed distribution of Gideon Bibles in the public school system of Rutherford.

To allow public schools to distribute the Bibles, said the Court, would be to allow a "preference of one religion over another" such as is forbidden by both federal and state constitutions. The Court added that in reaching this conclusion it had taken into account "the ever continuing debates that have been taking place in this country for many years as to the meaning which should be given the First Amendment," and the popular "plaudits and . . . criticism" which various United States Supreme Court decisions on the subject have received.

"But regardless of what our views on this fundamental question may be," the Court declared, "our decision in this case must be based upon the undoubted doctrine . . . that the state or any instrumentality thereof cannot under any circumstances show a preference for one religion over another. Such favoritism cannot be tolerated and must be disapproved as a clear violation of the Bill of Rights of our Constitutions."

Justice Vanderbilt and his colleagues upheld the contention of Bernard Tudor, a Jew, and Ralph Le-coque, a Roman Catholic, that the Gideon Bible is "a sectarian work of peculiar religious value and significance."

### Mayor-Elect Wagner Gave Clear Reply to \$64 Query

During New York City's recent mayoralty campaign, all candidates were queried by Mrs. Eva I. Wakefield, an active POAU member, with regard to their attitude on the principle of separation of church and state, and on specific questions such as "released time," public school Bible-reading and prayer, and the use of public funds for parochial schools. Of all the replies, she found that of Robert F. Wagner, a Roman Catholic—and, as events proved, the successful candidate—to be the most direct and unequivocal. Wagner wrote:

"I am fully in accord with the constitutional problem [sic] of separation of church and state and I am opposed to using public funds for the support of private and parochial schools."

POAU congratulates the new Mayor on his statement, and hopes that his administration will exercise due care to see that no public funds are diverted to sectarian uses.

cance to members of the Protestant faith." Testimony by Jewish and Roman Catholic clergymen had been presented at the trial to show that the Gideon (King James) Bible is "in profound conflict with the basic principles of Judaism" and is forbidden to Roman Catholics under the canon law of their church. (See *Church and State*, November, 1953.)

The judges saw no merit in the defendants' citation of "various statements by legal scholars and others to show that the Bible is not sectarian," and rejected the argument on the ground that "in many of these statements the question of the New Testament was not discussed." For similar reasons, the Court disagreed with a defense contention that the Court's own previous decision in *Doremus v. Board of Education of the Borough of Hawthorne* (1950), upholding the reading of the Old Testament and the Lord's Prayer without comment, should now serve as a justification for the distribution of the Gideons' New Testament.

After a lengthy review of the struggle for religious liberty from ancient times to the present, the Court concluded:

"We are here concerned with a vital question involving the very foundation of our civilization. Centuries ago our forefathers fought and died for the principles now contained in the Bill of Rights of the Federal and New Jersey Constitutions. It is our solemn duty to preserve these rights and to prohibit any encroachment upon them. To permit the distribution of the King James version of the Bible in the public schools of this state would be to cast aside all the progress made in the United States and throughout New Jersey in the field of religious toleration and freedom. We would be renewing the ancient struggles among the various religious faiths to the detriment of all. This we must decline to do."

Leo Pfeffer, member of the New York Bar and author of *Church, State, and Freedom* (Beacon Press, Boston, 1953; 675 pp., \$10), argued the case for the plaintiffs. Jacob Stam

### Pope's London Emissary Seeks Diplomatic Status

The Roman Catholic Apostolic Delegate to Great Britain, Archbishop William Godfrey, envisions diplomatic status for his successor, soon to be appointed.

Archbishop Godfrey, who in 1938 became the first resident papal envoy in England since the reign of James II, has been appointed by the Pope to head the Liverpool See beginning this month. Although not accredited to the British government, he asserted recently that he had always been regarded by the diplomatic corps as "one of themselves."

"An Apostolic Delegate who does not have diplomatic status must be in some way at a disadvantage," he observed. "It might be better for the prestige of the Holy See if the problem were clarified. I am not without hope that something will be done."

Great Britain is represented at the Holy See by an accredited Minister—a functionary slightly below the rank of Ambassador.

argued the case for the defendants, who now indicate that they will appeal to the United States Supreme Court.

Like other decisions affecting church-state relations, the New Jersey opinion has been met with immediate praise and condemnation from different quarters. The Rev. Dr. Israel Goldstein of the American Jewish Congress hailed it as a "trail-blazing" decision which not only applies sound legal doctrine, but one which also "accepts and gives full weight to competent scientific evidence on the evil psychological and sociological consequences of sectarian intrusion upon public education." But the Rev. Dr. Billy Graham, preparing a series of lectures at Southern Baptist Theological Seminary, said in an interview that the decision made a "tremendous contribution to the Communist cause." "We are a Christian nation," he asserted, "but if this kind of thing keeps up, we'll soon have to rule Bibles from our court-rooms and inauguration ceremonies because it is a 'sectarian' book."

In East Baton Rouge, La., public school authorities are preparing to distribute 5,000 Gideon New Testaments to pupils. Schools Superintendent Rex Beard declined to comment on the New Jersey decision, saying he was not familiar with the case. On the other hand, public school boards in Boston, Detroit, Reno, Akron, Youngstown, and other cities have recently refused to distribute Gideon Bibles.

## Pope Decorates Franco, Defender of the Faith

The "Supreme Order of Christ" was conferred by Pope Pius XII on Generalissimo Francisco Franco of Spain on December 21. Only three other living men (Archduke Eugene of Austria, Prince Felix of Bourbon-Luxembourg, and former King Umberto of Italy) have the order, which is the highest secular decoration bestowed by the Holy See. In Franco's case, it is considered to be a reward for his signing a Concordat with the Vatican a few months ago. (POAU has published the entire text of the Concordat, and it may be obtained from national headquarters.)

The Spanish dictatorship has "earned" this honor by innumerable acts designed to stamp out "heresy"—for example, the recent police action closing a Baptist chapel in the Madrid suburb of Cuatro Caminos. The pastor, Don Francisco Fernandez, had been previously fined at least three times for operating without a permit from the Minister of the Interior, but had been given verbal police permission to hold "discreet" services. No reason has been given for the final closing order. The chapel belonged to the Christian Missions of Canada, which has had about 100 chapels in Spain—more than 30 of which have been closed.

## Clerical Immunity Given To 'Witness' Preacher

"... a legitimate minister cannot be, for the purposes of the [Selective Service] Act, unfrocked simply because all members of his sect base an exemption claim on the dogma of his faith," the United States Supreme Court declared recently as it ordered the freeing of Jehovah's Witness George Lewis Dickinson of Coahugua, Calif., from a two-year prison sentence imposed by a lower court.

The decision, written by Justice Tom C. Clark, was by a 6-3 vote, with Justices Robert H. Jackson, Harold H. Burton, and Sherman Minton dissenting.

Dickinson had refused to be sworn into military service on the ground that, as "Company Servant" or leader of a Company of Jehovah's Witnesses, he was a minister of religion entitled to a IV-D (ministerial) draft exemption. The prosecution argued that he was not entitled to this status because he had had no formal theological training and was not serving in a full-time religious capacity at the time of induction.

Justice Clark held that "regular" performance of ministerial duties are sufficient to qualify a draft registrant

for a IV-D classification even when a minor portion of his time is devoted to "secular" work. (When Dickinson had originally registered for the draft he was 18 years old, a radio repairman by occupation, and the leader of worship services only two evenings a week; a year later, however, he gave up his job, except for five hours a week of "secular" work, and subsisted largely on gifts from the Witnesses he served.)

"The statutory definition of a 'regular or duly ordained minister,'" Justice Clark said, "does not preclude all secular employment. Many preachers, including those in the more traditional and orthodox sects, may not be blessed with congregations or parishes capable of giving them a living wage. A statutory ban on all secular work would mete out draft exemptions with an uneven hand, to the detriment of those who minister to the poor and thus need some secular work in order to survive." He also held: "That the ordination, doctrines, or manner of preaching that Dickinson's sect employs diverges from the orthodox or traditional is no concern of ours; of course, the statute does not purport to impose a test of orthodoxy."

Justice Jackson, in the dissenting opinion, held that the local draft board, and not the Court, was empowered to weigh the facts and pass on Dickinson's sincerity.

Hayden Covington of Brooklyn, N. Y., was Dickinson's attorney.

## Banquet Speaker



Congressman Tom Steed

(See Conference story on p. 1)

## Montreal Stores Still Defy Clerical Edict

Department stores in Montreal, Canada, opened as usual on December 8, the Roman Catholic Feast of the Immaculate Conception, in spite of a two-year-old bylaw requiring that they close on feast days. The number of stores incurring the risk of a \$40 fine for the offense was larger this year than last. A test case, pending in the courts, is expected to be ruled on this month.

## Rogers Retires

After 28 years of distinguished service as Washington publicist for the Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction, Elmer E. Rogers announced his retirement recently. Brother Rogers is a member of POAU's executive committee, and will continue his active championship of church-state separation and the maintenance of our free public school system.

## Indian Pueblo's Attorney Says It Can't Be Sued

The Pueblo de Jemez, an Indian reservation in New Mexico, has prevailed upon U. S. District Court Judge Carl A. Hatch to dismiss a suit brought by six Indians who allege that authorities of the pueblo have prevented them from practicing their Protestant faith ("Church and State," September, 1953).

Maurice Sanchez, attorney for the pueblo and for its governor, Juan Luis Pecos, argued that the court does not have jurisdiction in the case because it is a matter for the Indian Bureau, and cited court rulings which he said show that tribal bodies cannot be sued without the consent of Congress.

W. S. Lindamood, attorney for the Indian plaintiffs, replied that "when the government gave the Indian the right to vote, all doubt that the Indians came under the state laws was removed."

The New Mexico Baptist Convention recently resolved to support the Pueblo Indians "in their fight for religious freedom."

A motion picture dealing with the Indians' plight—"Persecution, U. S. A."—will be shown at POAU's Sixth National Conference on Church and State (see story on page 1).

Contributors of \$25 or more may receive from POAU upon request a free copy of either Communism, Democracy and Catholic Power or American Freedom and Catholic Power (both by Paul Blanshard). Offer good only while supply lasts.

## John Q. Citizen Owns Air, Minister Says

"You Own the Air," a Unitarian minister tells the public in an article in *The Humanist* magazine, No. 6, 1953. The Rev. Philip Schug of San Antonio, Tex., gives details in the article of a recent incident involving a fundamentalist preacher, an atheist, radio station WVET (Rochester, N. Y.), and, in the background of the dispute, the Federal Communications Commission.

The story began one day last year when the Rev. William Allen of the Christian Missionary and Alliance Church in Rochester telephoned Arthur G. Cromwell, a prominent atheist of Pultneyville, N. Y., and invited him to tune in to a sermon by Allen which was to be broadcast over WVET within a few minutes. Cromwell did tune in, and listened also to several subsequent broadcasts by the minister. He heard the latter attack such men as Thomas Paine, Voltaire, and Thomas A. Edison for their free-thinking views, and he heard assertions that such persons die "horrible deaths," "are either mentally unbalanced or . . . lying" (this was softened to "not telling the truth" in a later version of the script), and that non-believers in a personal God are "utterly unintelligent."

Cromwell, believing that under the rules of the Federal Communications Commission (FCC) persons adhering to a creed which is directly attacked on the air are entitled to free radio time in which to reply, contacted the station managers and asked for an opportunity to do so. At first he was rebuffed, but after securing the co-operation of two local clergymen and indicating that he might file a complaint with the FCC, he was allowed to appear on an interview-type pro-

gram 72 days after he had first broached the question. His interviewer was a Baptist minister, whom he told that he believed it "possible for people of strong religious convictions and those of no religion at all to live together peacefully" under the guarantees of the Bill of Rights.

Drawing a moral from the incident, author Schug states:

"What many people do not know is that radio stations do not own their channels. They are owned by the people of the United States, and the use of them is granted to stations only so long as they show a willingness to use them in the public interest. Proper usage is clearly defined, and repeated violation results in the loss of the channel. Thus every person, and every group, has a clear legal right to fair treatment from radio and television stations. This fair treatment is not automatically secured, however. Individuals and groups must insist upon it. . . ."

## Equitable Use of Air Waves Growing Problem

Radio and television "entertainment" programs which allow use of a portion of their time for political or sectarian propaganda are meeting with increasing public disfavor and resistance, but the evil is widespread. One such abuse led the Rev. J. Edwin Hewlett, president of the St. Louis POAU chapter, to write in protest on December 14 to the president of radio station KXOX.

"On Tuesday, December 8, 1953, during the intermission in the St. Louis University-Oregon State basketball game," wrote Hewlett, "a Jesuit priest was permitted to speak for approximately 15 minutes in favor of tax support of Roman Catholic parochial schools. The views expressed by

the learned father concerning public schools and Roman Catholic parochial ones do not represent those of the majority of Americans, who believe in complete separation of church and state. Consequently, we ask time to reply and to present our side of the picture, which was treated in such a biased fashion in the broadcast last Tuesday. The people of St. Louis ought to be told, for example, that the Supreme Court of Missouri recently held the educational policies of the State of Missouri and of the Roman Catholic Church to be 'utterly inconsistent and mutually exclusive.'"

The POAU leader went on to request that we be given the same amount of time as allotted to the Jesuit priest, and that this be during the intermission in the broadcast of one of St. Louis University's major basketball games."

Complaints of similar practices on local and national hook-ups on radio and television are coming into POAU Washington headquarters in increasing number. Here are some examples: Radio Station KOA, Denver, Colo., follows the Billy Graham "Hour of Decision" paid-time broadcast with a free-time Roman Catholic "information" program, according to word reaching POAU from a listener in the area. The television program of Football Coach Leahy of Notre Dame University, with considerable portions devoted to Marine and Air Force talks, also beats the drum for the Roman Catholic Church—and the question arises, do Marine and Air Force public relations funds help to pay for the Church proselytization? At the start of the Wallace-Charles fight telecast a picture of Bishop Sheen appeared. Why?

## Top Leaders to Address Sixth POAU Conference

POAU's Sixth National Conference on Church and State, January 20-21, will be addressed by many notable figures, including, among others: Congressman Tom Steed of Oklahoma (January 20 banquet speaker), Dr. Edward B. Willingham of the National Memorial Baptist Church, Dr. Albert P. Shirkey of the Mt. Vernon Place Methodist Church (Washington), Dr. Clyde W. Taylor of the National Association of Evangelicals, Dr. C. Leslie Glenn of St. John's Episcopal Church (Washington), Dr. Frederick E. Reissig of the Washington Federation of Churches, POAU Executive Director Glenn L. Archer, and Dr. Emmett McLoughlin of Memorial Hospital, Phoenix, Ariz. For details, see story on page 1.

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